



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

September 1, 2004

RQ-2

Michael A. Avella, Treasurer
New York Republican Federal Campaign Committee
315 State Street
Albany, NY 12210

Response Due Date:
October 1, 2004

Identification Number: C00055582

Reference: July Monthly Report (6/01/04-6/30/04)

Dear Mr. Avella:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report discloses aggregate year-to-date totals for transfers received from affiliated committees which appear to be incorrect. Please be advised that federal regulations require aggregate year-to-date totals to include only those contributions which are received during the calendar year. Please amend your report to provide the correct aggregate year-to-date totals.

-Schedule F of your report discloses the Aggregate General Election Expenditure(s) for Howard Mills to be \$24,350.13. However, FEC calculations disclose this amount(s) to be \$51,946.82. Please amend your report to clarify this discrepancy.

-Schedule H4 of your report discloses a payment(s) for Voter identification activity. 11 CFR §100.24(b) defines as Federal Election Activity, Voter identification, Generic Campaign and Get-out-the vote activities conducted in connection with an election in which one or more candidates for Federal office appear on the ballot. Furthermore, the costs for these types of Federal Election Activity must either be paid with federal funds or allocated between federal and Levin funds. It appears that you have allocated these

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costs between federal and non-federal funds. Any reimbursement from your committee's non-federal account for this payment(s) is not permissible and must be returned. 11 CFR §§300.32 and 300.33

Although the Commission may take further legal action regarding this prohibited activity, your prompt action will be taken into consideration.

-On Schedule H2, you disclose the ratio for "DIRECT MAIL MAY 2004" to be new; however, Schedule H2 of your 2004 June Monthly Report disclosed a ratio for this activity/event which is identical to the one given in this report. Please amend your report to clarify this discrepancy. 11 CFR §§104.10 and 104.17

-Schedule H4 of your report discloses a disbursement(s) for "convention reception costs". Please be advised that expenses associated with a National Convention do not qualify as shared expenses to be allocated between your federal and non-federal accounts. This activity is considered a Federal operating expense(s) and should be disclosed on Schedule B supporting Line 21(b) of the Detailed Summary Page. Also, disbursements for public communications that meet the definition of Federal Election Activity (as defined in 11 CFR §100.24) should be disclosed on Schedule B supporting Line 30(b) of the Detailed Summary Page.

Any reimbursement from your committee's non-federal account for this disbursement(s) is not permissible and should be transferred-out immediately. 11 CFR §102.5(a)(1)(i) Please amend your report to clarify the disbursement(s).

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

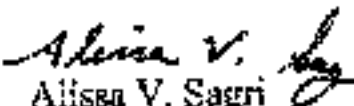
Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any

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questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 3 to reach the Reports Analysis Division) or my local number (202) 694-1153.

Sincerely,



Alissa V. Sagri
Senior Campaign Finance Analyst
Reports Analysis Division

